

REMARKS

Claim 4 has been cancelled without prejudice to the filing of continuing applications and claims 10-13 and 16-29 have been withdrawn.

Claims 1-3 and 30 have been amended to exclude non-elected subject matter. Thus, the A-ring was limited to aryl and L was limited to oxygen. Claims 5-6 and 14 have been amended to correct minor clerical errors. No new matter has been introduced.

With these amendments, claims 1-3, 5-9, 14-15, and 30 are pending.

Rejections under 35 U.S.C. § 102

Claims 1-9, 13-15, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Murthy *et al.* (2002), U.S. Patent No. 6,232,322, Malamas *et al.* (2000), WO99/58518, U.S. Patent No. 4,072,754, and DE 2307038.

The Office notes that Murthy *et al.* (2002) discloses compounds 6-28, 32-48, 58, and 62 in Table 1, and compounds 1-16 in Table 2, and asserts that these are encompassed by the claims. Applicants submit that compounds 9, 13, 36-48, 58, and 62 in Table 1, and 1-2, 11-12, and 15-16 in Table 2, are not

within the original claims. Claims 1 and 30 have been amended to exclude the remaining compound examples.

The Office asserts that U.S. Patent No. 6,232,322 and WO99/58518 disclose three benzofuranyl-biphenyl- containing compounds. Claims 1 and 30 have been amended to exclude these compounds.

The Office asserts that certain compounds disclosed by Malamas *et al.* (2000) are encompassed by the claims; these are compounds 62-97 in Table 1, and compounds 103-135 in Table 2. Applicants submit that compounds 73 and 78 in Table 1, and 109-123 and 134 in Table 2, are not within the original claims. Claims 1 and 30 have been amended to exclude the remaining compound examples.

The Office asserts that U.S. Patent No. 4,072,754 discloses two compounds within the claims where a biphenyl moiety is substituted with -O-C(Me)(Ph)-CO₂H (i.e., the carbon attached to L contains four non-hydrogen substituents). Applicants respectfully submit that the claims do not encompass these compounds because the carbon attached to L in claim 1 can only have three non-hydrogen substituents (e.g. -O-CH(R₂)-(CH₂)_n-CO₂H).

The Office asserts that a compounds disclosed by DE 2307038, 2-(4'-chlorobiphenyl-4-yloxy)-2-(4-chlorophenyl)acetic

acid, is encompassed by the claims. Claim 1 has been amended to exclude that compound.

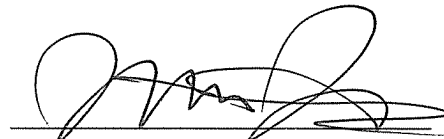
In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-9, 13-15, and 30 based on 35 U.S.C. § 102(b).

Allowance of the claims and passage of the case to issue are respectfully solicited. The Applicants urge the Examiner to contact the Applicants' undersigned representative at (312) 913-0001, if he believes that a discussion would expedite prosecution of this application.

Respectfully submitted,

Dated: June 4, 2007

By:



Steven J. Sarussi
Reg. No. 32,784

Telephone: 312-913-0001
Facsimile: 312-913-0002

**McDonnell Boehnen
Hulbert & Berghoff LLP**
South Wacker Drive
Chicago, IL 60606